



ARIZONA STATE SENATE
Fifty-Third Legislature, First Regular Session

AMENDED
FACT SHEET FOR S.B. 1366

peace officer; victim; aggravating factor

Purpose

Establishes evidence that a defendant knowingly assaulted a peace officer (officer) out of malice because of the officer's employment, whether or not on duty, as an aggravating factor in sentencing for aggravated assault. Specifies assault is aggravated assault if the victim is an officer, even if not engaged in official duties.

Background

Statute classifies intentionally or knowingly assaulting an officer who is engaged in official duties as aggravated assault. A person who assaults an officer who is engaged in official duties shall receive a sentence not less than the appropriate presumptive sentence for aggravated assault under the circumstances and is not eligible for suspension of sentence, commutation or release on any basis until the sentence imposed is served ([A.R.S. § 13-1204](#)).

According to statute, a judge must impose a presumptive sentence unless the judge weighs any aggravating and mitigating circumstances and finds that one overbalances the other. In such cases, criminal statute provides a list of mitigating and aggravating factors in the commission of a felony offense that merit a decreased or an increased sentence for the crime committed. Aggravating factors include offenses committed as hate crimes or offenses committed against a person over the age of 65 ([A.R.S. §§ 13-701 \(C\), 13-702](#)). This legislation classifies malice toward a person because of the person's employment as a peace officer as an aggravating factor in sentencing for aggravated assault.

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Establishes evidence that a defendant assaulted a person out of malice toward the person because of his or her employment as a peace officer as an aggravating circumstance for aggravated assault.
2. Specifies that the crime of aggravated assault against a peace officer includes assaulting a peace officer that is not engaged in the execution of official duties

3. Provides it is not a defense or a mitigating circumstance to assault of a peace officer if the peace officer was not on duty or engaged in the execution of official duties.
4. Mandates that the act be cited as the *Blue Lives Matter Law*.
5. Makes technical and conforming changes.
6. Becomes effective on the general effective date.

Amendments Adopted by the House of Representatives

1. Removes evidence that a defendant perceived the victim as an officer as an aggravating circumstance for aggravated assault.
2. Modifies prohibited defenses to a prosecution for assaulting an officer or a mitigating circumstance to exclude that the person was not an officer.

Senate Action

JUD 2/9/2017 DP 6-1-0
3rd Read 2/20/17 24-5-1

House Action

JPS 2/22/17 DPA 7-1-0-1
3rd Read 4/5/17 34-25-1

Prepared by Senate Research
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AW/VR/rr